



**King County**

**Ron Sims**

King County Executive

**CHARTER REVIEW COMMISSION**

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**Regional Governance (RG) Subcommittee  
King County Charter Review Commission  
Meeting Minutes – October 29, 2007  
Chinook Building, 5:30pm-7:30pm**

The October 29, 2007 meeting of the Regional Governance Subcommittee of the King County Charter Review Commission was called to order by Chair Bryan Glynn at 5:40 p.m.

**Commission members in attendance:**

Bryan Glynn, Co-Chair  
Juan Bocanegra  
Kirstin Haugen  
John Jensen  
Terry Lavender  
Mike Lowry  
Gary Long  
Lois North  
Mike Wilkins  
James Williams

**Absent:**

Doreen Cato, Co-Chair  
Sharon Maeda

**Staff:**

Becky Spithill, Project Manager, Charter Review Commission  
Corrie Watterson, Project Manager, Charter Review Commission  
Mark Yango, Charter Review Coordinator

**Guests:**

- Michelle Hillyer and Laurie Robinson, Ad Hoc Group of King County Library System Patrons (also attending from the Ad Hoc Group: Yoshiko Saheki)
- Jessica Bonebright and Judge Richard Eadie Board of Trustees, KCLS
- Rick Ybarra, Executive Liaison for Boards and Commissions
- Vicky Henderson, Roth Hill Engineering Partners, LLC and Tom Peadon, Coal Creek Utilities District, Special Districts
- Bill Ptacek, Director of KCLS

**Council and PAO Staff:**

Ross Baker, Council Chief of Staff

Rebecha Cusack, Council Liaison to the Commission

Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office

Nick Wagner, Council Co-Liaison to the Commission

**Opening Remarks and Summary of KCLS issues (Bryan Glynn, Co-Chair)**

Many of our fact-finding hearings showed that the governance of the KCLS involves many issues, some of which are creatures of state law and not the purview of the charter. But the level of public concern compels the CRC to give it attention and to identify those issues about which it might decide to make recommendations.

KCLS is one of the largest circulating libraries in the country. It has 27 facilities, a budget between \$70 and \$80 million, given policy direction by a board of trustees (five members) appointed by the Executive, and is funded for the most part by taxpayer dollars and special levies. Board's role is as a policy making body. County's role is to appoint and confirm trustees to the board.

The CRC is limited in its ability to address all the concerns, but intends to do what it can to help make changes that will promote the effectiveness of the KCLS. This meeting is an opportunity for concerned stakeholders to weigh in on the challenges that face the KCLS.

James Williams commented that one issue of particular importance is transparency of the trustee selection process. There are concerns that there is no community input on those appointments.

**1. Guest Speakers Presentations**

**Michelle Hillyer and Laurie Robinson**

**Ad Hoc Group of King County Library System Patrons**

The Ad Hoc Group is comprised of local library volunteers that came together two years ago and attended all the Board of Trustees' meetings to keep abreast of the KCLS and its activities, and have made over 100 comments at those meetings. At the June full commission meeting, the Ad Hoc Group expressed concerns about trustee appointments and their limited qualifications given the size of the KCLS budget

While the annual expenditure budget for the KCLS is about \$80 million, the system is responsible for an additional \$172 million in capital funds; in essence, the KCLS budget is a quarter of billion dollars.

Over the past year, one of the five trustees has been absent. The Ad Hoc Groups became aware that the trustee had resigned in August 2007, although there was no public announcement at two

subsequent board meetings. Is there any way for the charter to provide a stronger governing structure for the library system?

Questions and Answers (paraphrased)

Mr. Williams: Are there examples that would highlight the lack of qualifications of existing board members:

Ms. Robinson: The board has used erroneous cost and benefit analysis. For example, the board instituted self-checking machines at some libraries for a cost of \$500,000. They are expected to last 15 years, but will not be paid for until after 2040.

Mr. Glynn: Does the board makes individual purchasing decisions?

Ms. Robinson: It approved this expenditure by passing the budget and the group got information too late in the process. Subcommittee meetings are held and the public is not allowed to attend. Public access is an issue, but our greatest concern is the number of trustees on the board.

Mr. Williams: If you were able to create an ideal system where your group would have the appropriate visibility, what would that system look like?

Ms. Robinson: The RCW should be changed to allow for more trustees, there would be greater public access to the process by which decisions are made, and there would be more transparency. In the past, the responses to our requests for information have been inadequate.

Mr. Williams: Have you talked with the Executive?

Ms. Robinson: Yes.

Mr. Ybarra: It was mainly a listening meeting; they were there to present their issues and the Executive took them into consideration. State law mandates the number of trustees; as representative of the Executive, I'm here to talk about the process for appointing individuals to the board.

Mr. Williams: What has prevented your group from having access to the meetings?

Ms. Robinson: They said we cannot attend and brought in a lawyer to issue a statement that public access was at the board's discretion.

Mrs. North: Aren't subcommittee meetings subject to the open meetings law?

Judge Eadie: No, because the subcommittees don't have a quorum of three.

Mr. Williams: Is it your opinion that trustees can make decisions on policy with so few people?

Ms. Bonebright: Subcommittees do consider a number of issues and make decisions about whether to take them to the full board. So if it goes to the full board, it will be the first time that the rest of the board has heard about the issue. There are no decisions being made.

Mrs. North: What is the purpose of the subcommittee meetings?

Judge Eadie: They focus us at our full meetings.

Mrs. North: How would you feel about a larger board?

Mr. Eadie: It's a legislative decision. I think we function quite well with five board members.

Ms. Robinson: There haven't been five board members for a year, there have been four. In summary, our issues are about strengthening the board.

**Jessica Bonebright and Judge Richard Eadie**  
**Board of Trustees for KCLS**

Ms. Bonebright: As trustees we take our positions very seriously. Our annual report is submitted to the state auditor. We work hard to promote public confidence to support the levy and bond issues (\$172 million expansion got nearly 64 percent vote of support). The system is accountable as a service provider to county residents. Although board members are not elected, they are not insulated from the public accountability. Board members are selected by the county subject to Council approval. Disagreements among our constituents are to be expected and we have been responsive to community input. We hope that you will continue the current system of oversight and accountability.

Judge Eadie: I reviewed the public comments and particularly the oversight concerns. Regarding concerns about whether the trustees listen to the public and the patrons, the trustees do listen and are responsive. The KCLS is a model of financial management. It is accountable to King County government, employees and employee organizations, the King County Library Foundation, 14 library boards, mayors and city councils and 36 separate branch groups. The clustering issue has been controversial and that was when the Ad Hoc Group was formed. Examples of board responsiveness include:

- Moved meeting to a larger venue;
- Established formal comment period at the beginning of meetings;
- Set aside one meeting a quarter for public forum;
- Facilitated more communication with employees;
- Addressed employees concerns with clustering; and
- Worked with several communities to site facilities.

The board has an outstanding financial manager [distributed KCLS Preliminary Operating Budget for 2008]. It holds four hearings on the budget at various locations around the county in order to get public input. The KCLS is audited annually and presents the results at a board meeting. The KCLS has had no negative audit findings in 10 years. The capital bond budget allocation had to be changed to account for increases in construction costs, and the board made that a very open process. According to a survey, patron satisfaction and loyalty measures were extremely high. Forty-nine percent of patrons gave the KCLS a score of seven on a one-to-seven scale of satisfaction. Employees are paid at the top of the range. There is strength in the KCLS as a single integrated system and with a collection that is impressive. We've increased minority contracting three-fold in three years and we are working to increase the diversity of our workforce.

Questions and Answers (paraphrased)

Mr. Jensen: Even though the subcommittee meetings have only two trustees, isn't some substantive discussion of issues that is not reflected in the board meetings? Is it possible that there is not enough public discussion about issues of particular concern to library patrons?

Ms. Bonebright: The board has heard references to its trying to cut meetings short, but this fails to acknowledge how late the meetings tend to go. Subcommittee meetings expedite and facilitate the board's work.

Mr. Jensen: What percentage of the KCLS patrons is the Ad Hoc Group?

Ms. Robinson: It changes with the salience of various issues. We have about 120 people countywide.

Mr. Long: As a city manager I was always advised of meetings and these were always held in public. Regardless of legal opinion, I would encourage the KCLS board to consider that making its subcommittee meetings open. It's more about facilitating an open public process. In terms of accountability and accessibility, what would be different if things were done in the way that you would like them to be done?

Ms. Robinson: Patrons would not have to go to the board to ask permission to attend meetings? The board would function according to established procedures without challenge. Cost/benefit analysis would be performed and shared with the public. Reports would be widely distributed.

Mrs. North: Why was the trustee was absent for months and months?

Judge Eadie: This trustee has been a stalwart member and she suffers from cancer. She has a lot of institutional knowledge and none of us wanted to dismiss her despite her absence. It was about a year of absence.

Mr. Williams: Is there a process for removing a trustee for cause, such as fiscal malfeasance?

Judge Eadie: State law (RCW 27.12.190) allows for removal for cause and stipulates the process. It's not clear about what constitutes grounds for removal; it requires a written complaint to County Council.

Mr. Ybarra: King County code allows only the Executive to dismiss a member who has been appointed, but the RCW may override that.

Ms. Robinson: When we spoke with Executive Sims in April 2006, he told us that he would personally speak with Miss Spitzer.

Mr. Williams: How were the trustees selected? What criteria did the Executive use for that purpose?

Mr. Ybarra: The only requirement is to have an affinity for libraries and to have a business or legal background. Selection is at the discretion of the Executive. But there are checks and balances in that Council can reject that appointment. I was instructed in August to appoint Mrs. Spitzer's son. Given the controversy, the Executive had decided to wait on that.

Mr. Williams: I would think there would be some advantage to having more specific criteria in terms of expertise to serve on the board. I wonder if the Executive has some conscious and deliberate process by which he vets people.

Judge Eadie: Bill Ptacek asked about my interest in serving on the board and I had experience with libraries and financial reports.

Ms. Bonebright: I stepped up and applied for the position. I'm on the labor council, and the board needed someone friendly to labor. I also serve on the board of United Way. I was interviewed by Ron Sims and Council.

Ms. Robinson: We would like a trustee who has a business background.

Mr. Williams: At the end of the day the only person responsible for dismissing a trustee is Ron Sims.

Mr. Ybarra: For all boards and commissions, only the Executive has the authority to remove a member.

Judge Eadie: The RCW says that a trustee may be removed for just cause by the county commissioners.

Mr. Long: I think of libraries as municipal functions. Most cities have joined larger library systems. It's very important that libraries be seen as part of the community and that there is a relationship between the library board and the cities that they serve. Is there a deliberate effort when there is a vacancy to look at north, south, east, west, small, big, rural, and urban to make sure there is balanced representation?

Mr. Ybarra: That is one of Ron's directives, to ensure that the board is diverse.

### **Rick Ybarra, Executive Liaison for Boards and Commissions**

King County has 54 boards and commissions with over 500 volunteers, all of whom donate their time and expertise and putting in as many hours as the patrons. There is concern about changing the charter on the issue of appointments. It may set a precedent that could lead to appointment changes in other boards and commissions. This is one of the few boards that have taxing power.

The KCLS Board is the only one that the Executive nominates and appoints on his own. He may ask for input from others. He identifies appointees himself, and he directs others to proceed with the administrative process. In terms of Mr. Spitzer, he comes from a very civic-minded family and he is qualified.

### Questions and Answers (paraphrased)

Mrs. North: Is this a paid position?

Judge Eadie: No. Toby Washington was on our board and he was a banker from Washington Mutual.

Mr. Williams: I was surprised at all the dissent over the KCLS. If this is not normal, then would you agree that there must be something that we're doing that is causing this aberrational situation?

Judge Eadie: Number one is clustering and number two is relocating or siting a library. In response to the objections to putting the Federal Way library near the transit center, we chose not to do that. With the bond issue, what you're seeing is a lot of controversy over siting, etc.

Mr. Jensen: Your best asset is bringing up some issues. Is this because there isn't enough information coming out of the decision making processes?

Ms. Robinson: We haven't seen a long-range plan for the use of the bond money. When we've asked how the libraries will be staffed, we were told by one of the board members, "Well, we'll

just ask for another levy.” That’s what I’m concerned about. Staff and hours are cutback at my library, and given that, how do they intend to staff the new libraries?

Mr. Jensen: I observe that both of you [the board and the Ad Hoc Group] are on the same side; you both want a great library system.

Judge Eadie: In particular with respect to the capital budget we have a clear plan laid out library by library and year by year. The plan is not a straight line and there will be adjustments.

Ms. Robinson: I’m talking about the operating budget. I’m using a library that is dealing with cutbacks, and I think it’s because the board is looking at how it will staff the new libraries. I come to the board to see a long-range plan about how KCLS will deal with operating expenses.

Mr. Wilkins: Is the Ad Hoc Group’s primary concern with the accessibility of the meetings?

Ms. Robinson: There are issues that the CRC can deal with . . . transparency and sharing information. We don’t feel we are given adequate information without a struggle. Just recently we are getting information on where dollars are going in the system, and we are required to complete public disclosure forms to get answers to our questions.

Mr. Wilkins: Are you [Judge Eadie and Ms. Bonebright] open to making the subcommittee meetings open to the public?

Judge Eadie: I’m open to considering that. Our planning committee recently considered that.

Mr. Long: Are there any standards of attendance?

Judge Eadie: It hasn’t been an issue until Ms. Spitzer’s illness.

Ms. Bonebright: The vast majority of our meetings have had all four board members there.

[Mr. Glynn gave each representative a minute to sum up its group’s position.]

**Ad Hoc Group:** We recommend a charter amendment to make the King County Council the oversight authority for the KCLS Board of Trustees. This would provide a stronger governance structure and to help ensure a fully engaged Board of Trustees. It would provide an additional needed measure of accountability while ensuring that checks and balances are in place. Our biggest concern is oversight and we would like to see a council subcommittee that had responsibility for that.

**KCLS Board of Trustees:** I ask you to consider what goal you want to meet by a charter amendment. The library system is a very healthy system.

**King County Executive Office:** The King County Council already makes the final decision on the trustee appointments. The Executive appoints, Council confirms.

**2. Mike Sinsky, Legal Advisor to the Charter Review Commission and Senior Deputy Prosecuting Attorney, King County Library System issues that are within the purview of the charter**

Mr. Sinsky provided a handout detailing the information in his presentation. He pointed out that state laws pertaining to library systems supersede municipal charter provisions and that the KCLS does not exist as a sub-agency of King County, but rather as an independent authority. State law mandates that the management and control of the system be vested in a board of trustees. Metropolitan King County has authority to appoint trustees, to remove trustees for just cause, and is entitled to an annual fiscal and operational report from the board.

Relevant charter provisions include the following:

- **340.10 Appointments by the County Executive.** The county executive shall appoint the county administrative officer and the chief officer of each executive department except the county assessor and shall appoint the members of all boards and commissions except as otherwise provided in this charter.
- **340.40 Confirmation.** The appointments by the county executive shall be subject to confirmation by a majority of the county council. The appointments by the county administrative officer shall be subject to approval by the county executive.
  - **King County Code appointment process. K.C.C. Chapter 2.28 (inapplicability)**

Mr. Williams asked for clarification on appointments. The CRC could recommend a Charter revision that changes authority for appointments and dismissals of the trustees from the Executive to the King County Council. Mr. Wilkins pointed out that when the Executive dismisses a board/commission member, typically there is not a public hearing on the issue, despite the language in the provision that references a hearing.

Relevant statutory provisions include the following:

- **RCW 27.12.190 Library trustees--Appointment, election, removal, compensation.** .... In counties, rural county library districts, and island library districts, five trustees shall be appointed by the board of county commissioners. . . . The first appointments for boards comprised of but five trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years.... No person shall be appointed to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. ... A trustee of a county library, a rural county library district library, or an island library district library may be removed for just cause by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen days before the hearing.

Mr. Sinsky said that, absent a change in state law, the county is for the most part limited to making trustee appointments and terminations, and obtaining and reviewing an annual fiscal and



operational report. State law does not preempt county authority entirely. Mr. Sinsky noted, however, that part of the state statute identifies "exclusive" library system powers; and that KCLS is an independent legal entity over which the county has limited authority. The KCLS is not a county board, it is a separate legal entity.

CRC options include the following:

- Recommend Charter process to address appointments and removal
- Highlight concerns in report to Council with recommendation to address by Code or through existing process
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Mr. Wilkins said that there isn't any clear process for trustee appointment and removal. Mr. Sinsky confirmed that this could be done by charter amendment or by amending the county code in a manner that is consistent with the Charter.

### **3. Subcommittee deliberations: Addressing KCLS issues through the charter**

Mrs. North said that the CRC could recommend that Council lobby the state legislature to change state law to allow for more trustees. Mr. Long commented that the frustrations with staffing have been labeled as issues of financial accountability, but in his experience, the board is very financially conservative. If the frustration is with staffing, then that is a level-of-service issue that the CRC cannot address. Mr. Long stated that communities countywide should be consulted about appointments. Mrs. North observed that the county is swamped with board and commission appointments.

Mr. Williams identified three primary KCLS issues. First, patrons are concerned about a lack of oversight of the board. It could be that if the community has more involvement in the selection process that oversight will not seem as critical. Second, the issue of transparency is significant. Openness of the trustee meetings is a policy question rather than a legal question and the board should have a policy of openness. The last point is accountability: The board is too small to monitor the operation given its size and is delegating to staff.

Mr. Bocanegra concurred with the need to increase the number of board members and the need for transparency. Mr. Jensen agreed that a larger board is necessary and that dissension was fueled originally by clustering. In addition, patrons are concerned about the taxes they pay relative to the service they get from their local libraries. Mr. Long said that the one percent limit on taxing by the KCLS puts it in a tenable financial position over the long term. Capital investments were intended to increase efficiency and cost savings over time.

Mrs. North recommended that the subcommittee move forward on this issue. Mr. Wilkins recommended that a letter to Council be drafted recommending the following:

- Council establish (by ordinance) formal procedures for appointing and removing members of the KCLS Board of Trustees. The ordinance should 1) mandate outreach and solicitation of nominations that creates a board that is geographically representative of the county; 2) include language specifying that such action does not set a precedent for any other county board or commission appointment; and 3) acknowledge the need to appoint board members who share a commitment to open processes of decision making.

- Council add to its state legislative agenda, with the concurrence of Executive Sims, a recommendation to enact a statutory provision that would increase the number of trustees on library boards in Class AA counties with populations of one million or more.

In addition, Mr. Wilkins recommended that the CRC send a letter to the KCLS Board of Trustees recommending that it open to the public its subcommittee meetings as a matter of routine practice and share records and documents that have been part of any informal deliberations.

Staff was directed to draft the letters for RG Subcommittee review at its November 26 meeting. RG Subcommittee members agreed they would not recommend charter amendments to address KCLS issues at this time.

**4. Next steps: November 5<sup>th</sup> meeting focusing on Regional Committees, November 26<sup>th</sup> meeting planning, Possible role of Regional Governance Subcommittee in addressing orphan/technical issues**

Mr. Yango informed the subcommittee that a letter was drafted and sent to Council notifying it that the RG Subcommittee would be taking up its issues of concern transmitted to the CRC co-chairs. These issues were the budget timeline and the other was eliminating the allotment process. Mr. Wilkins commented that dropping the allotment process is a given and that the subcommittee can push forward on technical amendments such as that. However, the budget timeline will require more study. Mr. Long asked staff to research what the largest urban counties do in terms of budget timelines.

Members discussed moving the RG Subcommittee meeting from December 3 to December 5. Decision tabled until the next meeting.

Meeting was adjourned at ~7:30 p.m.

Respectfully submitted by Becky Spithill